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Attorney for Defendant
ANTHONY DARRYL BROOKS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr. F 03-5259 AWI
)	
Plaintiff,)	STIPULATED MOTION AND ORDER TO
)	REDUCE SENTENCE PURSUANT TO 18
v.)	U.S.C. § 3582(c)(2)
)	
ANTHONY DARRYL BROOKS,)	<u>RETROACTIVE CRACK COCAINE</u>
)	<u>REDUCTION CASE</u>
Defendant.)	
)	
)	

Defendant, ANTHONY DARRYL BROOKS, by and through his attorney,
Assistant Federal Defender David M. Porter, and plaintiff, UNITED
STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney
Kevin P. Rooney, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this court may reduce the
term of imprisonment in the case of a defendant who has been sentenced
to a term of imprisonment based on a sentencing range that has
subsequently been lowered by the Sentencing Commission pursuant to 28
U.S.C. § 994(o);

2. The sentencing range applicable to Mr. Brooks was
subsequently lowered by the United States Sentencing Commission in
Amendment 706 by two levels;

3. Accordingly, Mr. Brooks's adjusted offense level has been reduced from 31 to 29, and a sentence at the low end of the new guideline range would be 151 months;

4. Mr. Brooks merits a reduction in his sentence based on the factors listed in 18 U.S.C. § 3553(a), as well as considerations of public safety and Mr. Brooks's positive post-sentencing conduct;

5. Accordingly, the parties request the court to enter the order lodged herewith reducing Mr. Brooks's term of imprisonment to a term of 151 months.

Dated: July 15, 2008

Respectfully submitted,

McGREGOR SCOTT
United States Attorney

DANIEL J. BRODERICK
Federal Defender

/s/ Kevin P. Rooney
KEVIN P. ROONEY
Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

Attorney for Plaintiff
UNITED STATES OF AMERICA

Attorney for Movant
ANTHONY DARRYL BROOKS

ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

On September 12, 2005, this Court sentenced Mr. Brooks to a term of imprisonment of 188 months. The parties agree, and the Court finds, that Mr. Brooks is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces the applicable offense level from 31 to 29.

IT IS HEREBY ORDERED that the term of imprisonment originally imposed is reduced to a term of 151 months.

IT IS FURTHER ORDERED that all other terms and provisions of the STIPULATED MOTION and ORDER TO REDUCE SENTENCE

1 original judgment remain in effect.

2 Unless otherwise ordered, Mr. Brooks shall report to the United
3 States Probation office closest to the release destination within
4 seventy-two hours after his release.

5
6 IT IS SO ORDERED.

7 **Dated: July 16, 2008**

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE